

Division of Parole and Probation



JRA Restitution Committee
March 25,
2021

How does DPP track and monitor restitution cases?

- Monthly a CABA (Case Assignment By Agent) report is electronically available to all agents/monitors/supervisors. This report shows -
 - ✓ total monies owed
 - ✓ last payment made
 - ✓ balance owed
- Per DPP Policy, each month an agent or monitor shall determine compliance with payment obligations by directly accessing OBSCIS II payment data and remind the individual in person or by mail of any outstanding payments. DPP encourages rewards and sanctions in response to compliance or non-compliance. (*Chapter 7 Section 7 p.4*)
- DPP is looking into the feasibility of establishing email notifications through OCMS (Offender Case Management System) for non-payment or cases in arrears.

When does DPP notify the Court when payments are overdue?

This is determined by what is stated on the probation order.

- Restitution can be ordered with a specific due date to be paid in full
- Restitution can be ordered to be paid for the duration of the probationary period

Arrearage notices are mailed to individuals who fail to make any required payments at 60 and 90 days. DPP agents and monitors are encouraged to remind those who are able to make payments to do so and to work with those who are unemployed to find employment or to learn a skill.

Non-payment reports for restitution can be submitted to the court when the individual fails to remit payments, when the victim requests a violation be submitted or when the individual is 4 months behind but no later than 90 prior to the supervision's expiration date.

Cases are reviewed to determine if a report should be submitted for non-payment or missed payments.

How often and is there any data on DPP presentence/victim impact reports per Criminal Procedure 11-402?


1. The Division of Parole and Probation shall complete a presentence investigation report in each case in which imprisonment for life without the possibility of parole is requested under § 2-203 of the Criminal Law Article.
2. The report shall include a victim impact statement as provided under § 11-402 of the Criminal Procedure Article.
 - All DPP Presentence Investigations have victim impact statements, when applicable.
 - DPP currently doesn't have data to produce. There are no data points we can use to have this generated.

DPP's Intake process and Payment Plans

- ❖ During the intake process, a COL-1 (payment plan) is established.
- ❖ The court order determines how payment plans are established.
 - ❖ *If the Judge orders the restitution to be paid in full by a certain date, a payment plan will be established. This plan is reviewed with the individual to ensure that he/she understands the payment plan, their financial obligations and the due date.*
 - ❖ *Payment plans are determined by the total amount owed divided by the number of months on supervision minus 90 days.*
 - ❖ *We have no control over the payment plan nor can we institute a sliding scale.*
- ❖ If the court orders restitution with no deadline date, a monthly payment plan is established - with the final payment acquiring 90 days prior to expiration. This will allow DPP to submit a report, *if needed*, and have a violation hearing scheduled.

COL-1

- Payment plan form for individuals on DPP's supervision.
- This plan can be modified with a new completed COL-1.
- Includes information for mailing in their payment and who to contact should they have any questions.
- Reminds individuals that failure to pay can result in a report being filed to the court.
- Any unpaid balances, can be forwarded to CCU at case closure.



STATE OF MARYLAND
DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES
DIVISION OF PAROLE AND PROBATION
PAYMENT INSTRUCTIONS

Offender (Last, First, Middle Initial): TEST, MARY *SSN: 444444444

Agent/Monitor: INACTIVE CS AGENT Telephone Number: 443-263-3582

On (mm/dd/yyyy) 12/2/2019 , you were placed on supervision or monitoring and ordered to pay the following:

Restitution Court Costs LET	Fines Public Defender's Fee 2% Collection Fee Drug Testing Fee	Monthly Supervision Fee Monthly Alcohol Testing Fee Monthly DDWP Fee
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TOTAL: \$0.00

IMPORTANT: Your total and monthly payments due will be adjusted if an amount due to be paid by you is not available, is unknown, or is undetermined on the date you sign this form, you do not make the required payments, or the sentencing court changes your payment obligation.

PAYMENT PLAN:

Your first payment is due on 3/24/2021 in the amount of .

Thereafter, monthly payments are due in the amount of for months.

Additional payments as follows:

IMPORTANT: SEND ONLY A MONEY ORDER OR CERTIFIED CHECK!
Make the money order or certified check payable to the Division of Parole and Probation and mail to:

Division of Parole and Probation
Collection and Accounting Unit
P.O. Box 2356
Baltimore, Maryland 21203

Always include your Division of Parole and Probation case number (0433716A), name and address on the envelope, certified check, or money order to ensure your payments are credited correctly.

- Always notify your agent or monitor of a change in your address.
- Direct any correspondence or questions to your agent or monitor.

When your supervision or monitoring ends, any unpaid debt may be forwarded to the State Central Collection Unit (CCU) for collection. CCU may add a 17% collection fee to the unpaid debt.

Failure to pay as directed may result in your supervision being revoked.

*Your social security number is required and will be used in furtherance of our collection efforts. If you fail to make scheduled payments or you have a balance due when your supervision or monitoring ends, we may share your social security number with the State Central Collection Unit for collection of your debt.

I understand the foregoing Instructions and Information.

Probationer or Parolee

3/24/2021
Date

Employee

3/24/2021
Date

Original: Offender
Copy: File

DPP-COL-1
Revised July 2016

Sending payments early to CCU

- DPP is not set up to send payments early to CCU nor is it a recommendation at this time.
- Individuals are afforded the opportunity to pay their restitution prior to the 17% collection fee being added by CCU during their supervision period.

DPP model vs DJS model

- DPP's payment plan is established by what was ordered by the court. Any changes made to that plan are done so when ordered by the court. (*Ex. probation extended, or restitution amount changed*)
- DPP encourages all individuals to make payments when they can based on their income and ability. Our payment plan is a tool we use to let the individual know how much they have to pay each month in order to pay their financial obligations in full by the date ordered or end of supervision.
- DPP collects more than restitution. DPP also collects the following:
 - DDMP Program Fee
 - Fines
 - Court Costs
 - Public Defender Fee
 - 2% Fee
 - Testing Fee
 - Supervision Fee

Resource Needs and Challenges

The workgroup and partner agencies can better assist DPP by securing –

- ✓ funding and
- ✓ an upgraded collections and disbursement system.

DPP Moving Forward

DPSCS is looking to securing a new system to replace OBSCIS II.

- With a new collection and disbursement system, DPP is requesting the following:
 - Multiple ways to pay - online, cash app, venmo, credit card, automatic payments, mobile payments with vendors
 - Ability to access their account at all times (*real time*)
 - Ability to produce receipts

Increasing personnel assigned to the DPP's Restitution Recovery Unit and to establish a Restitution Coordinator would be very beneficial to DPP, clients and victims.

- Currently, DPP has three contractual recovery specialists who work 10 hours per week. DPP's budget would need to be increased to fund 8 restitution recovery specialists and we would recommend 20 hours per week instead of 10. In addition, a full time Restitution Coordinator would be needed.

DPP Moving Forward

DPP recommends that the Vermont model be explored (*see below*)

- A 15% surcharge is now added to all criminal and traffic fines and is deposited into a Restitution Fund.
- When the court orders restitution, a restitution judgment order is sent to the Restitution Unit.
- The Unit verifies the amount on the order and can advance restitution payments from the Restitution Fund to individual crime victims, up to a \$10,000 cap.
- For business crime victims and amounts above the \$10,000 cap, the unit collects from the offender and disburses that money to the victims.



Thank You!

Questions Contact

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